

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALFREDO ROMO DIMAS, IGNACIO
ROMO DIMAS, JUAN LUIS ROMO
DIMAS, ROGELIO ROMO DIMAS,
GUILLERMO ROMO DIMAS,
GILBERTO ROMO DIMAS,

Plaintiffs,

-VS.-

FAVIAN TAPIA MATILDE, DELIA
TAPIA,

Defendants.

No. CV 13-08840 DDP (ASx)

JUDGMENT AND PERMANENT
INJUNCTION

The Court having granted the Motion for Summary Judgment of Plaintiffs
Alfredo Romo Dimas, Ignacio Romo Dimas, Juan Luis Romo Dimas, Rogelio
Romo Dimas, Guillermo Romo Dimas and Gilberto Romo Dimas,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

I. JUDGMENT

1. Judgment is hereby entered against Defendants Favian Tapia Matilde

1 and Delia Tapia in favor of Plaintiffs Alfredo Romo Dimas, Ignacio Romo Dimas,
2 Juan Luis Romo Dimas, Rogelio Romo Dimas, Guillermo Romo Dimas, Gilberto
3 Romo Dimas on Plaintiffs' claims of federal trademark infringement and
4 cancellation of Defendants' trademark registration.

5 II. CANCELLATION OF REGISTRATION

6 2. It is ordered, adjudged and decreed that Registration No. 3,797,278 of
7 the trademark EL ROMANTICO SAMURAY before the United States Patent and
8 Trademark Office be, and hereby is, cancelled. The Clerk shall notify the United
9 States Patent and Trademark Office of the Court's order.

10 III. PERMANENT INJUNCTION

11 3. Defendants Favian Tapia Matilde, Delia Tapia and their respective
12 officers, agents, servants, employees, and attorneys, and any other persons who are
13 in active concert or participation with any of the aforementioned persons who
14 receive actual notice of this Judgment of Permanent Injunction by personal service
15 or otherwise are hereby permanently ENJOINED and RESTRAINED from using
16 the service mark SAMURAY, or any confusingly similar or colorable imitation of
17 the mark, including without limitation the term EL ROMANTICO SAMURAY, in
18 any manner in connection with the sale, advertising, offering, announcing or
19 promotion of musical services, such as live performances of a musical group, or
20 products, such as phonograph records, CDs, DVDs or their digital counterparts.

21 IV. IMPOUNDMENT AND DESTRUCTION

22 4. Defendants Favian Tapia Matilde, Delia Tapia and their respective
23 officers, agents, servants, employees, and all persons in active concert or
24 participation with Defendants who receive actual notice of this order by personal
25 service or otherwise, are hereby ordered to remove and destroy all promotional
26 literature, advertising, goods and other materials relating to the use of the term
27 SAMURAY or EL ROMANTICO SAMURAY on or in connection with such
28 advertising, goods or other materials within seven (7) days following receipt of such

1 actual notice of this order, and to provide plaintiff's counsel with evidence of such
2 removal and destruction within the same seven (7) day period following receipt of
3 such actual notice.

4 5. Violation of the permanent injunction herein by any person enjoined
5 herein shall constitute contempt of court, and plaintiffs may seek to recover
6 reasonable attorney's fees and costs expended in bringing a contempt motion.

7 IV. FEES, COSTS AND RETENTION OF JURISDICTON

8 6. The Court declines to award attorney's fees to Plaintiffs.

9 7. Plaintiff is awarded costs of suit in an amount to be determined by the
10 Clerk of the Court.

11 8. The Court shall retain jurisdiction to enforce the permanent injunction
12 included in this judgment.

13 9. Plaintiff is hereby authorized to engage in post-judgment discovery as
14 necessary to ensure compliance with the Court's Judgment and Permanent
15 Injunction.

16 IT IS SO ORDERED.

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18 Dated: October 01, 2015



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20 HON. DEAN D. PREGERSON
21 UNITED STATES DISTRICT JUDGE
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